



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/526,169 | 11/17/2005 | Chin Shyan Ooi | 7404P001 | 6494 |
| 8791 7590 06/30/2010 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040 | | | | |
| EXAMINER | | | | |
| STU, SARAH | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2431 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 06/30/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

| | |
|--------------------------------------|-----------------------------------|
| Application No. 10/526,169 | Applicant(s) OOI ET AL. |
| Examiner Sarah Su | Art Unit 2431 |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 17 June 2010. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-5,7-17,19,21-24 and 27-30
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/William R. Korzuch/
Supervisory Patent Examiner, Art Unit 2431

/Sarah Su/
Examiner, Art Unit 2431

Continuation of 11, does NOT place the application in condition for allowance because: The examiner has found the applicant's arguments to be non-persuasive and the examiner maintains the grounds of rejection.

As to claims 1, 3-5, 7-9, 13, 15-17, 19, 21-24, and 27-29, it is argued by the applicant that Brandys does not teach or suggest a combination with Horne and that Horne does not teach or suggest a combination with Brandys since Brandys does not disclose protecting multiple generated keys. The examiner respectfully disagrees. As admitted by the applicant, Brandys states that the smart card is unique and specific to the user (page 9, line 22). Brandys also discloses that the smart card comprises a random number generator which creates the public and private key (page 3, lines 27-28; page 4, lines 1-2). Therefore, since each user has a smart card that creates a public and private key, a public and private key pair must be generated for each smart card and therefore, each user.

Further, it is argued by the applicant that Montenegro does not disclose that the reply message or signature is based upon the requested data or the generated key. The examiner respectfully disagrees. It is noted that the applicant has used the phrase "based on", which the examiner has interpreted as being related to. Montenegro discloses that the response message can contain a device's CBID, a nonce, its public key, and a digital signature, where the digital signature is based on the entire message (col. 5, lines 28-30). Since the message includes a nonce and the nonce is described as being a random number previously sent from a requesting device (col. 5, lines 31-32), the signature is based on a generated key of the sender and the content.

It is argued by the applicant that Horne does not describe authentication of each receiver node. The examiner respectfully disagrees. The examiner asserts that "authentication" does not always require two-way communication, as the applicant asserts. Horne discloses that each receiver node must have a unique individual key in order to broadcast signals to subscribers (col. 1, lines 28-30; col. 4, lines 28-30). If the correct key is not present, then the data stream cannot be decrypted and broadcasted to subscribers. Therefore, since the presence of a correct key is necessary for broadcasting, the attempt to use the key to properly decrypt the data is considered to be authentication to ensure that the node is proper for broadcasting.